

1 SUSAN D. RESLEY (STATE BAR NO. 161808)  
2 sresley@orrick.com  
3 EDWARD P. DAVIS, JR. (STATE BAR NO. 56847)  
4 edavis@orrick.com  
5 AMANDA PACKEL (STATE BAR NO. 218282)  
6 apackel@orrick.com  
7 ORRICK, HERRINGTON & SUTCLIFFE LLP  
8 1000 Marsh Road  
Menlo Park, CA 94025  
Telephone: 650-614-7400  
Facsimile: 650-614-7401

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8 Attorneys for Defendant  
Kenneth E. Lonchar

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 SECURITIES AND EXCHANGE  
14 COMMISSION,

15 Plaintiff,

16 v.

17 MARK LESLIE, et al,

18 Defendants.

19 Case No. C 07-3444 JF

20  
21 [PROPOSED] ORDER GRANTING  
22 MOTION OF DEFENDANT  
23 KENNETH E. LONCHAR TO  
24 DISMISS PLAINTIFF'S COMPLAINT

25 Date: January 18, 2008  
26 Time: 9:00 a.m.  
27 Judge: Hon. Jeremy Fogel  
28 Courtroom No. 3

29  
30 [PROPOSED] ORDER GRANTING DEFENDANTS' MOTION OF DEFENDANT KENNETH E. LONCHAR  
31 TO DISMISS PLAINTIFF'S COMPLAINT  
32 Master File No. C 07 3444 JF

1       Defendant Kenneth E. Lonchar brought a Motion to Dismiss Plaintiff's Complaint on  
2 October 5, 2007. After considering the pleadings, the papers submitted by the parties, and the  
3 oral argument of counsel, and good cause appearing therefore, the Court hereby orders that  
4 Defendant Lonchar's Motion to Dismiss is granted. Specifically, the Court grants Defendant's  
5 Motion to Dismiss in its entirety for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6)  
6 and 9(b).

7       Accordingly, it is hereby ordered that Defendant's Motion to Dismiss is GRANTED, and  
8 Plaintiff's Complaint is dismissed in its entirety WITH PREJUDICE.

9 **IT IS SO ORDERED.**

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Dated: \_\_\_\_\_

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HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT COURT JUDGE

[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION OF DEFENDANT KENNETH E. LONCHAR  
TO DISMISS PLAINTIFF'S COMPLAINT

Master File No. C 07 3444 JF